

DAVID COOPER
Plaintiff,

V.

DR. NICHOLS, et al,
DEFENDANTS

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2006 AUG 21 A 9:48

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

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CASE NO. 2:06-CV-418-MHT

2006 AUG 25 A 9:24

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

PLAINTIFF RESPONDING TO AFFIDAVIT OF KENNETH NICHOLS

comes now, the plaintiff, prose, in the above style manner,
Pursuant to F.R.Cv. p. 56, Plaintiff responding to
affidavit of Kenneth Nichols, m.d. Plaintiff, states that he
will take an oath at jury trial regarding all of his
allegations on file at this honorable Court,

1. Plaintiff, doesn't denied this Statement,
2. Plaintiff, doesn't denied this Statement.
3. Plaintiff, doesn't denied this Statement,
4. Plaintiff, doesn't denied the first paragraph of this
Statement but do denied the second paragraph of this
Statement see exhibit-18.
5. Plaintiff doesn't denied this Statement.
6. Plaintiff, denied the second paragraph and states that
it was nurse Dees, and nurse Burkett who seen him
Plaintiff, states they gave him a physical. Plaintiff
further states that he doesn't have any problem with
trouble voiding and denied that any abrasion is on
his left arm. Plaintiff, further denied that he have polio
restimes See exhibit-5-6-8.

3. plaintiff, doesn't denied this statement.

7. Plaintiff, totally denied this statement see exhibit 14, with no signature on it, DR. Nichols is falsifying documents.

10. Plaintiff, denied this statement.

11. Plaintiff, also denied this statement and that nurse Williams has already damages her credibility playing doctor and nurse on exhibit-K, maximum exposure.

12. Plaintiff, denied this statement.

~~13~~ Plaintiff, denied paragraph number 2, Plaintiff, continue to denied any X-ray see exhibit-14, which was no signature, Plaintiff, also states he had approximately (5) five heart failure in elton, m.D.

14. Plaintiff, states that DR. Nichols, has just perjury him self see paragraph 16, paragraph (3) three this is the only sick-call completed but on paragraph two (2) stating I refused medical treatment please show me a copy of the refuser with my name on it, this clearly shows I seen DR. Nichols, April 25, 2006 also see exhibit-1, 2, on filed in court.

5. Plaintiff, doesn't denied DR. Sanders statement.

6. Plaintiff, states that DR. Nichols, has perjury himself denying that I only completed sick-call once, on the other hand stated that I refused treatment which is purely fabrication and perjury along with obstruction of justice.

17. Plaintiff, totally denied this statement see exhibit-1, 2, on filed and also number 14, above and 16 below clearly showing as plain as day that this statement are nothing but lies.

1) Plaintiff denied that any persons, on his left arm, and the court can check plaintiff's arm in full view, and their st any reading plus regular eye glasses in his possession and we have palpations and prostate problem see exhibit-3, 4, 5, and 8.

2) Plaintiff, fully agree with DR. Nichols order receiving his own medication which Serquel, aspirin, Doxycycline which is order 2. m.g. daily, and Plaintiff, denied that any Prescription was filed in their Drug store on April 9, 2006. See exhibit -11, which also clearly shows it was Plaintiff, medication own medication and exhibit-13, D.C. Serquel.

LEGAL ARGUMENT

Plaintiff, states that all exhibits clearly shows that DR. Nichols, nurse Calburn, Donna Coney, has denied Plaintiff, also nurse Miller, has denied Plaintiff medical needs and who also has perjury themselves, except nurse Miller, as of yet including but not limited should be charge with obstruction of justice, on sworn affidavits, and falsifying a false documents of some X-ray which never happen, see exhibit-14, as to which no doctor has signed it. Plaintiff, states that not only is the defendant trying to deceive plaintiff, but including the honorable magistrate judge which all forms of deception, this is what we have in law enforcement here, under the banner of falsehood why defendants are trying to hide behind wedges and law enforcement contributing to corruption in this great country. Plaintiff, further states that what the defendants stated is due to be dismissed shouldn't never be allow, because of the truth which has been presented to this honorable Court, Plaintiff, never tried to deceive this court nor presented any lies also nor any

forms of deception nor any forms of educational trickery, in
 attempting to cover-up or hide the truth due to his
 degree of knowledge, wisdoms, or hide the truth,
 Plaintiff, has spoken the truth and is ready to swear at
 any trial along with his witness regarding his evidences
 to the truth including he will take a polygraph test in
 the name of truth all will swear before god the creator, to
 this truth Plaintiff, further states that everything the
 defendants has presented to this honorable court should
 be void including but not limited their next move which
 is motion for a dismissal, because the evidences Plaintiff
 can verify the truth from falsehood. Plaintiff, states that
 defendants so-call case in their favor has totally fail flat
 on its face without any suppose and the truth should
 prevail and falsehood automatically vanish. Plaintiff, states
 that all evidences is in Plaintiff, favor and all things the
 defendants has presented should be ban because all evidences is
 showing to this court in Plaintiff, behalf, which also clearly show
 this court his 18 right amendment has been violated and
 the 14 amendment as well see all exhibits, revealing all lies
 that the defendants has foretold see also exhibit, K,
 maximum exposure, of deception and that these exhibits is
 enough which represent the truth, regarding this so-call
 untrained judgment for from also their so-call health professional,
 and their judgment is truly unacceptable. Plaintiff, further
 states that all evidences will shows that the plaintiff will
 prevail against these defendants also with jury trial.
 Plaintiff, once again state that all exhibits which clearly
 shows Dr. Nicholas, is a liar, a deceiver, and that his so-call
 review of these records clearly shows different than Dr.
 Nicholas and his so-call medical description.

medical history happen on 4-4-06 that he believe regarding my heart and prostate problem clearly shows an entire different opinion, than what he does currently presented. Plaintiff further recognize he has a mental-illness, however, he is not crazy and knows when he is being abuse from any praxson of this earth. Plaintiff further states that exhibits and exhibit-3, that is will verify this truth. Plaintiff wish this court issue an immediately order regarding Plaintiff, heart and prostate Surveys be automatic done basically on evidences which has been presented.

RESPONSES TO DEFENDANT'S REQUEST TO BE TREATED AS A MOTION FOR SUMMARY JUDGMENT PURSUANT TO RULE 56

Plaintiff states that in all things filed in defendant's favor has fail flat on it's face, without any legal standard to stand upon exhibits Plaintiff, has presented clearly show Plaintiff needs these two Surveys and if this honorable court cannot read these doctors report including exhibit-9 and that he not only seen one doctor but a whole team of doctors to which this court can order before trial to read their statement, or talk to anyone and their names is on all exhibits regarding Baptist Hospital report and that Plaintiff intent to subpoena them from Baptist Hospital as witness including the ambulance driver, who rush Plaintiff to Baptist Hospital on 4-4-06, and that Plaintiff heart rate was over 200 beats a minute and that the ~~evidence~~ evidence in light mostly favor Plaintiff.

MOTION TO DENIED SUMMARY JUDGMENT AND GRANTING IN FAVOR OF PLAINTIFF

Plaintiff, states that all evidences is in Plaintiff, behalf, which also clearly shows that defendant DR. Nicholas

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nurse Colburn nurse Goulet has sworn affidavits and perjury themselves in attempting to try and deceive the magistrate judge and that their every move is transparent and it don't take a rocket science to see it. Plaintiff, request that motion for summary judgment be dismissed and granting plaintiff a immediate order for back end prostrate surgery, and adequate time to hear when further a request to this Court that I will continue to seek monetary damages regarding the deliberately human torture he was subject to this form of treatment as a citizen of the United States who completely violated his constitutional rights, and who had the nerves to attempt to deceive this Court, including falsifying a X-ray which never happen see exhibits 14. See also exhibit-15, and 17, regarding my initial statement that from 5-11-06 to 5-16-06, I didn't receive any medication for my prostate problem and on 5-13-06, I filed a grievance against medical as to which there answer on response on 5-15-06, as statement exhibit-17, and 15, will clearly shows as of 5-15-06, plaintiff, haven't received any medication on exhibit-16, nurse Williams has fabricated her story also see exhibit-K, maximum exposure regarding her credibility. also plaintiff, has made a error on some of his legal documents stating that it was 5-13-06 when his prostate medication stop. But truly it was 5-11-06,

Date 8-9-06
Daiul Cooper, 7743
m.c.p.f.
P.O. Box 4599
Monts, AL 36195

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

DAVID COOPER
PLAINTIFF,

V.

DR. NICHOLS, et al
DEFENDANTS

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2006 AUG 21 A 9:48

CASE NO. 2:06-CV-2004-MHT-2

RECEIVED

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALADEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALAPLAINTIFF RESPONDING TO AFFIDAVIT OF MELODYE MILLER

Comes now, the plaintiff, prose, in the above style manner, Pursuant to F.R.Civ-p. 56, plaintiff, responding to affidavit of melodye miller. Plaintiff, state that he will take a oath at jury trial regarding all his statement and allegations,

1. plaintiff, doesn't denied this statement
2. Plaintiff, doesn't denied this statement.
3. Plaintiff, denied this statement, and further state that nurse melodye miller, was confront by one of Plaintiff witness, that he asked her name and she would give it to him on approximately May 15, 2006, and that Michael Ferguson will testify in court at jury trial to his statement under oath of this honorable court. Plaintiff further states that he has been having trouble with certain inmates stealing some of his papers work involving in this action and if this court are the defendants see any thing missing which was filed please let me know and I will certainly correct these errors of jealous inmates.

Date 8-9-06
David Cooper, 7743
Plaintiff, prose.

CERTIFICATE OF SERVICE

I, plaintiff, responding to affidavit of Kenneth nichols, has forward a copy each to the Clerk of the Court, and defense attorney, also plaintiff, responding to aff. David melodye miller.

Date 8-25-06
Daryl arpa 7743
m.c.p.f.
P.O. Box 4599
montg, AL 36195